

Amenity Local Law

Administrative Policy Guidelines

Contents

Explanatory notes.....	4
Purpose of these Guidelines	4
Ongoing review	4
Responsibilities	4
Exemptions	5
Permits.....	5
Document control.....	5
Amendments	5
Liquor in public places	6
Advertising Signs.....	8
Clothing Recycling Bins	11
Collections	13
Distribution of notices, advertising material, busking	15
Shopping Trolleys	17
Trading activities.....	18
Actions affecting Council land	20
Removal of vegetation on Council land.....	22
Scare guns.....	23
Collection and disposal of dog excrement	25
Keeping of animals – secure confinement	26
Control of noisy livestock	28
Dogs prohibited in markets	29
Alarm systems	30
Condition of land	31
Trees and plants not to obstruct or obscure	32
Chimneys	34
Open air burning.....	35
Large heap burning.....	37
Domestic waste, recyclables, organic material and hard waste collections	39
Bulk rubbish containers	40
Trade wastes.....	41
Parking of vehicles	43
Resident Parking Scheme	44
Motorised toy vehicles	45

Other toy vehicles.....	47
Repair and sale of vehicles of roads and Council land	48
Identification of premises.....	50
Siting of caravans.....	51
Camping.....	53
Circuses, carnivals and festivals	55
Permits.....	57
Direction of authorised officer	58
Infringement Notice	59

Explanatory notes

Purpose of these Guidelines

These guidelines show why the Amenity Local Law prohibits or regulates some common activities which affect the amenity of the Shire. They explain how the Council and staff will administer the various controls and how decisions are made. Each guideline states the purpose of the relevant control.

Ongoing review

The Local Law review and community consultation process is extensive and lengthy. These guidelines supplement the Amenity Local Law and provide procedures which can be readily updated by resolution of Council to reflect the changing needs of the community and its expectations as to amenity.

The Council intends that these guidelines be kept under constant review by Council, Management, staff, community groups and individuals who are affected or interested by the issues addressed in the Amenity Local Law.

Responsibilities

Each guideline nominates which Council Officers have responsibilities. The particular functional responsibilities in each category are:

Policy Management	Administration	Enforcement
Local Law and Guidelines reviews	Public information and enquiries	Public education
Interpretation	Applications	Surveillance
Monitoring effectiveness	Permits and fees	Issuing directions
Community education	Registers	Infringement notices
Prevention programs	Records	Withdrawal notices
Coordinating the Policy, administration and enforcement tasks	Correspondence	Interviews
Internal and external liaison	Advertising	Evidence
Budget and Resource Allocation		Briefs
Strategic plans and decisions		Prosecutions
Appeals and objections		

Exemptions

Some guidelines identify exempt persons or activities. Provided that the objectives of the Local Law are protected, additional exemptions can be added from time to time by the Council.

Permits

The Local Law prescribes what is not allowed.

The guidelines say what a person can do and provide for a permit as the most appropriate mechanism for balancing individual rights with community standards

Where a permit is required the relevant guideline shows what criteria are used in considering an application. Many of these are expressed in broad terms which will be made more precise with experience.

The guidelines also show the likely conditions which will be applied to permits. Again these are fairly general but will evolve to be more specific.

Document control

The guidelines are controlled documents. This means that there is one master document that can only be changed with appropriate authority of the Council.

One member of staff will have authority and responsibility for the updating, security and distribution of authorised copies of the guidelines.

Document control may be subject to internal audit.

Amendments

The Administrative Policy Guidelines were adopted by resolution of the Council on 26 November 2013 and have been amended as follows:

Date of amending resolution:

Nature of amendment:

Liquor in public places

Local Law Clause Nos 11 and 12

Purposes of the Clause

To prevent drunken behaviour in public places that may affect amenity.

Applies to

Persons using public places and organisers of festivals and events to be held in public places.

Policy responsibility

Manager Community and Leisure Facilities.

Administration

Manager Community and Leisure Facilities.

Enforcement

Coordinator Ranger Services.

What public places are affected?

Public places used for vehicle and pedestrian traffic including streets, roads, footpaths, nature strips, median strips, roundabouts, bicycle paths, bridges, malls and car parks.

Public places provided as parks, gardens, lawns, memorials, playgrounds, playing fields and public open space.

Criteria for prescribing public places

When prescribing where and when a permit will be required to consume liquor, the Council will consider the following factors:

- the purpose of the public place
- whether liquor consumption is consistent with the normal use of the public place
- the health and safety of persons, property and the environment
- any effect on quiet enjoyment of the public place
- what parts of the public place and what times or periods should be exempted and
- any submissions or comments received.

When liquor consumption is prohibited

For some public places the Council may prohibit liquor consumption at specific times, days or periods. Otherwise liquor is prohibited at all times in a prescribed public place without a permit. For example, a permit may not be required by family groups in a picnic or barbecue area during the daytime.

Who requires a permit?

Any person or organisation seeking an exemption for themselves or others.

Exemptions

This law does not apply to premises licensed or exempted under the State Liquor Control laws.

Applying for a permit

A completed permit application form should be submitted 14 days prior to the period applied for.

Criteria for issuing permits

Permits are available for the organisers of events or functions which are to be held in public places. (Permits will only be issued to individuals in exceptional circumstances).

When dealing with applications for permits the Council or its delegate will consider the following factors:

- the effect on the quiet enjoyment of other users of the public place and the amenity of the neighbourhood
- the nature, time, location and duration of the event or function
- the availability of sanitary facilities, rubbish removal, police or security services and public health and safety services
- protection of Council assets and the environment in the public place
- any comments received in respect of the application
- any further information required from the applicant
- any other matters that may apply to the particular application
- the applicant's record in conducting similar events or functions and
- an appropriate permit fee and any refundable deposit required.

Permit conditions

Public Place Liquor Consumption Permits will be subject to conditions pertaining to the following matters:

- the name and description of the public place
- the times and duration of the permit
- the event or function
- the persons or groups permitted to consume liquor
- required facilities and services eg. rubbish, toilets, security, health and safety services
- promotion and advertising
- public liability insurance cover and
- restitution of damage and the forfeiture of any refundable deposit.

Advertising Signs

Local Law Clause No 14

Purposes of the clause

To regulate the use of Council land and buildings for advertising by requiring a permit.

Applies to

All Council land and buildings

Policy responsibility

Manager Regulatory Services

Administration

Manager Regulatory Services

What public places are affected?

All Council land and buildings including streets and roads, sports grounds, parks and other community and leisure facilities.

Who requires a permit?

Any person, which includes a body corporate or a business, group or club, desiring to use Council land to advertise.

Exemptions

By Council. See specified criteria (below)

Applying for a permit

A completed permit application form should be submitted 14 days prior to the advertising period applied for.

Permit Application form 5/13 (copy attached) should be used by applicants.

Criteria for issuing permits

Permits are available for advertising material to be placed on or over Council land or on a vehicle left on Council land.

Permits for advertising signs (other than complying "A Frame" signs) will only be issued in exceptional circumstances.

When dealing with applications for permits the Council or its delegate will consider the following factors:

- the amenity of the proposed location and the surrounding area
- the proposed advertising material including the location, size, colours and content
- any limitations on advertising within private land
- whether AS1428.2 – 1992 'Design for access and mobility' or other disability standards can be complied with
- the effect on the quiet enjoyment of other users of the public place
- any comments received in respect of the application
- any further information required from the applicant
- any other matters that may apply to the particular application
- the applicant's record in using public places for advertising and
- an appropriate permit fee and any refundable deposit required.

Criteria for exemptions by Council

Signs used for Council, educational or charitable purposes

Permit conditions

Advertising permits will be subject to conditions pertaining to the following matters:

- the period of the permit (maximum one (1) year)
- each sign must not exceed 900mm height or 600mm width
- signs or displays on footpaths must be placed on the outer edge of the footpath and be set back 500 mm from the face of the kerb
- a clear distance of 6 metres must be maintained between any 2 signs
- a minimum footpath width for pedestrian traffic of 1.8 metres is to be maintained
- the total space occupied by any sign or display must not exceed four (4) square metres
- no sign or display is to have any moving, rotating, illuminated or reflective components
- times allowed will generally be restricted to daylight hours
- only one (1) sign per business premises will usually be permitted;
- businesses sharing tenancies must also share a sign advertising signs in relation to a land auction or sale will be allowed, but only a maximum of 2 signs per property, which must be removed within 2 weeks of the acceptance of a bid or offer
- each sign must be made and maintained in a professional manner to ensure safety to the user and general public
- all signs and displays must be kept to the front of the business that they promote
- maintenance of the advertising sign and the site
- repairs, cleaning and graffiti removal, and
- public liability insurance cover.

Example of A-Frame permit conditions

A permit to display an A-Frame may be granted subject to the following conditions:

1. The sign shall be placed on the footway or nature strip directly outside the premises to which the permit applies in accordance with Australian Standard 1428.2.
2. The sign shall not have a display area which exceeds 1.5m^2 in total, eg. an A-Frame sign having 0.75m^2 on each side.
3. This permit is valid for a period of one (1) year from the date of issue.
4. An annual fee determined by Council is paid.
5. Wording on the sign is limited to advertising the trader's name and business sales.
6. The sign shall be of solid design and construction and built in such a manner that:
 - a) there are no protrusions or sharp edges
 - b) it will not rotate in the wind or have any other mechanical movable parts which may be the cause of danger to the public
 - c) it is free standing and not reliant on being affixed to any street furniture, light pole
 - d) or other fitting or fixture not owned and attached to the business house

- e) it is locked in position and will not collapse.
7. The sign shall be placed in such a location and in such a manner that it does not:
 - a) restrict access to the shop
 - b) obstruct or hinder persons boarding or alighting from vehicles
 - c) obstruct or hinder pedestrians
 - d) obstruct or hinder the view of motorists or pedestrians.
 8. The sign shall be removed during inclement weather conditions which may render the sign a danger to the public.
 9. The sign shall only be displayed during the trading hours of the permit holder.
 10. The permit is subject to Council being indemnified and being kept indemnified against any loss or claim which may result from the use of the sign and the permit holder shall hold Public Liability Insurance to the sum of \$10 million.
 11. The sign shall immediately be removed upon the direction or request of an Authorised Officer of Council, a member of the Victorian Police, Emergency Service of any authority engaged in the repair or maintenance of roads or services.
 12. The permit may be suspended or its conditions amended at any time by Council or an Authorised Officer if the circumstances or conditions under which the permit was issued change.
 13. The permit holder will be responsible for all losses incurred as a result of the sign being removed as a result of action under condition 11 or where a permit is amended or suspended under condition 12.
 14. The permit is not transferable to any other Company or person without the expressed written consent by Council.
 15. This permit or a copy must be kept on site and produced upon demand by an Authorised Council Officer or Member of the Victorian Police Force.
 16. The sign shall not contain any language motif, picture or depiction of an indecent or offensive nature.

Clothing Recycling Bins

Local Law Clause No 15

Purposes of the clause

To regulate the locating of clothing recycling bins to protect public safety, convenient access and neighbourhood amenity.

Applies to

Any person or organisations wishing to place a clothing recycling bin in a public place.

Policy responsibility

Manager Regulatory Services

Administration

Manager Regulatory Services

Enforcement

Manager Regulatory Services

What public places are affected?

Public places used for the operation of clothing recycling bins including streets, roads, footpaths, nature strips, malls, and public car parks.

Who requires a permit?

Any person or organisation wishing to place a clothing recycling bin in a public place must first obtain a permit. Permits are usually issued only to recognised charitable organisations.

Exemptions

Does not apply within private land or premises or private car parks.

Applying for a permit

A completed permit application form should be submitted 30 days prior to the period applied for.

Criteria for issuing permits

Permits are available for charitable organisations.

(Permits will only be issued to commercial organisations or individuals in exceptional circumstances).

When dealing with applications for permits, the Council or its delegate will consider the following factors:

- the amenity of the proposed location and the surrounding area
- the bin should not obstruct vision for pedestrian and vehicle traffic or any driveway, hydrant, mailbox or other facility to which access is required
- the clothing recycling bin and environs are to be highly visible and well lit
- safety and convenience for persons making donations, for those clearing the bin and any other person
- the construction, size, colour and signage of the clothing recycling bin, which should be limited to four (4) colours and be non-reflective.
- the owner's name and contact details must be kept displayed on the clothing recycling bin

- the number and location of other clothing recycling bins in the same area
- the effect on the quiet enjoyment of other users of the public place and the amenity of the neighbourhood
- any comments received in respect of the application
- any further information required from the applicant
- any other matters that may apply to the particular application
- the applicant's record in managing clothing recycling bins
- whether the applicant is a member of the National Association of Charitable Recycling Organisations, and
- an appropriate permit fee and any refundable deposit required.

Permit conditions

Clothing Recycling Bin permits will be subject to conditions pertaining to the following matters:

- the period of the permit (maximum one (1) year)
- maintenance of the bin and the site, including shared management arrangements with other bin owners at the site.
- the frequency of clearing the bin and any rubbish left at the site
- repairs, cleaning and graffiti removal
- labeling of the bin, including the identity of the owner, the benefiting charity, owner contact details
- litter and rubbish dumping warning signs
- separate approval is required for any advertising, and
- public liability insurance cover.

Collections

Local Law Clause No 16

Purposes of the clause

To control soliciting for any money or waste materials, gifts, donations or subscriptions in public places by requiring a permit.

Applies to

Any person or organisation desiring to conduct a collection.

Policy responsibility

Manager Regulatory Services

Administration

Manager Regulatory Services

Enforcement

Manager Regulatory Services

What public places are affected?

All public places

Who requires a permit?

Any person or organisation wishing to conduct a collection.

Exemptions

No exemptions

Applying for a permit

A completed permit application form should be submitted 14 days prior to the period applied for.

Criteria for issuing permits

Permits are available for collections on Council land.

When dealing with applications for permits the Council or its delegate will consider the following factors:

- the amenity of the proposed location and the surrounding area
- the purpose and beneficiary of the collection
- whether AS1428.2 – 1992 'Design for access and mobility' or other disability standards can be complied with
- the effect on the quiet enjoyment of other users of the public place
- any comments received in respect of the application
- any further information required from the applicant
- any other matters that may apply to the particular application
- the applicant's record in conducting collections and
- an appropriate permit fee.

Permit conditions

Collection permits will be subject to conditions pertaining to the following matters:

- the period of the permit (maximum one (1)year)
- the extent of the public places where collections are permitted
- disclosure of the name and nature of the benefiting organisation
- the identification of collectors
- the issue of receipts to donors.

Distribution of notices, advertising material, busking

Local Law Clause No 17

Purposes of the clause

To regulate the use of Council land and vacant land for distributing advertising material, busking or broadcasting.

Applies to

Persons wishing to use Council land for advertising, busking or broadcasting.

Policy responsibility

Manager Regulatory Services

Administration

Manager Regulatory Services

Enforcement

Manager Regulatory Services

What public places are affected?

All public places including streets, roads and other Council land, and vacant land.

Who requires a permit?

Any person desiring to use a public place to advertise, busk or broadcast.

Exemptions

Electoral material

Persons, who meet specified criteria to use a public place to advertise, busk or broadcast without a permit.

Criteria for issuing permits

Permits are required for advertising material to be given out or distributed, for busking or for broadcasting any advertising material or entertainment.

When dealing with applications for permits the Council or its delegate will consider the following factors:

- the amenity of the proposed location and the surrounding area
- the purpose and beneficiary of the activity
- whether AS1428.2 – 1992 'Design for access and mobility' or other disability standards can be complied with
- the effect on the quiet enjoyment of other users of the public place
- any comments received in respect of the application
- any further information required from the applicant
- any other matters that may apply to the particular application
- the applicant's record in conducting similar activities and
- an appropriate permit fee.

Permit conditions

Permits will be subject to conditions pertaining to the following matters:

- the period of the permit (maximum one (1) year);
- the location or area;
- the product or services being advertised, offered or provided;
- preventing pedestrian traffic from being obstructed or impeded;
- times allowed will generally be restricted to daylight hours;
- limiting the volume and intensity of any noise; and
- public liability insurance cover.

Criteria to use a public place to advertise, busk or broadcast without a permit

Persons who meet the following criteria will be permitted to use a public place to advertise, busk or broadcast without a Permit:

Advertising Material and Broadcasting:

- advertising and broadcasting material shall relate to a business operating within the municipality or charity or community activity conducted for the benefit of residents of the municipality
- pedestrian traffic shall not be unduly obstructed or impeded
- all litter within the immediate vicinity and generated through this activity shall be removed
- the material shall not be of an indecent or offensive nature
- times of activity shall be restricted to daylight hours
- no complaints received shall be substantiated by Council

Busking:

- any person busking shall be a student of a school located within the municipality
- the proceeds of any busking shall be used for educational purposes or personal development
- pedestrian traffic shall not be unduly obstructed or impeded
- times of activity shall be restricted to daylight hours
- no complaints received shall be substantiated by Council

Shopping Trolleys

Local Law Clause No 18

Purposes of the clause

To encourage shops to regularly retrieve shopping trolleys left on Council land by impounding abandoned trolleys.

Applies to

Owners of shopping trolleys

Policy responsibility

Manager Regulatory Services

Administration

Manager Regulatory Services

Enforcement

Manager Regulatory Services

What public places are affected?

All Council land

Who requires a permit?

Not applicable

Exemptions

None

Criteria for interpretation

A shopping trolley is considered abandoned if left unattended on Council land.

Guidelines for shopping trolley owners

Owners of shopping trolleys should:

- provide designated bays for the return of trolleys by customers. Such bays should be indicated by clearly visible signs
- provide signs on trolleys and in the shop asking customers to return trolleys to bays designated for the purpose
- the owners name and a contact telephone number are clearly marked on every trolley, and
- at least once every day retrieve all trolleys that have been left by customers on Council land other than designated trolley return bays.

Procedure for Impounding:

- abandoned trolleys are impounded if left in a public place
- trolleys are returned to owners on payment of the fee fixed by Council, and
- trolleys unclaimed after 14 days are sold, given away or disposed of.

Trading activities

Local Law Clause No 19

Purposes of the Clause

To regulate the use of public places for displaying goods for sale and outdoor eating by requiring that a permit be obtained.

Applies to

Persons wishing to display goods for sale and to provide outdoor eating.

Policy responsibility

Manager Regulatory Services

Administration

Manager Regulatory Services

Enforcement

Manager Regulatory Services

What public places are affected?

All public places.

Who requires a permit?

Any person wishing to place goods for sale or outdoor eating facilities in a public place.

Exemptions

Council exemptions. See criteria below.

Applying for a permit

A completed permit application form should be submitted 28 days prior to the period applied for. A Planning Permit application may also be required.

Exemption criteria

No exemptions

Permits are available for placing goods for sale or eating facilities in a public place.

When dealing with applications for permits the Council or its delegate will consider the following factors:

- the amenity of the proposed location and the surrounding area
- the effect on the quiet enjoyment of other users of the public place
- whether AS1428.2 – 1992 'Design for access and mobility' or other disability standards can be complied with
- any comments received in respect of the application
- any further information required from the applicant
- any other matters that may apply to the particular application, and
- an appropriate permit fee and any refundable deposit required.

Permit conditions

Display of goods:

- Displays on footpaths must be placed on the outer edge of the footpath and be set back 500 mm from the face of the kerb
- A minimum footpath width for pedestrian traffic of 1.8 metres is to be maintained
- The total space occupied by any display must not exceed four (4) square metres
- No display is to have any moving, rotating, illuminated or reflective components
- Times allowed will generally be restricted to daylight hours
- Only one (1) display per business premises will usually be permitted, and
- All displays must be kept to the front of the business that they promote.

Street trading:

- The location of a stand or fixture is to have due regard for vehicle and pedestrian safety
- The nature and type of goods to be sold will be designated
- The capacity of roads, footpaths and parking areas may limit the extent of trading and
- The duration of the activity and the time of day may be limited.

Placement of eating facilities:

- A minimum footpath width for pedestrian traffic of 1.8 metres is to be maintained
- Compliance with the *Public Health and Wellbeing Act 2008* and the *Food Act 1984*
- Tables, chairs, umbrellas or moveable barriers must not unduly impair motorist or pedestrian vision
- Tables, chairs, umbrellas or barriers (whether moveable or not), or the like must not display any word, image, device or logo which advertises goods, products or services, except where a valid planning permit exists for such
- Umbrellas or awnings must allow a minimum height clearance of two metres above the footpath
- All furniture and equipment must be properly used and maintained for public safety
- All facilities must be kept in a clean and tidy condition at all times, and
- Waste and litter minimisation by the use of non-disposable food containers and eating utensils.

Insurance:

- Public liability insurance which also indemnifies the Council must be held at all times. A minimum cover of \$10 million is required.

Fees:

- Permit fees will be based on cost recovery plus a reasonable rental for the public land occupied.

Period:

- Permits are issued for a period of one year.

Actions affecting Council land

Local Law Clause No 20

Purposes of the clause

To prevent damage and undue interference with Council land, reserves and open space and undue obstruction to roads and to protect vehicle and pedestrian traffic in places where permitted works are carried out.

Applies to

Persons wishing to undertake works on, in, under or adjacent to roads and persons wishing to access a Council reserve to undertake approved construction works on private property adjacent to the Council land.

Policy responsibility

Manager Infrastructure Maintenance
Manager Infrastructure Development

Administration

Manager Infrastructure Maintenance
Manager Infrastructure Development

Enforcement

Manager Regulatory Services

What public places are affected?

All Council open spaces, roads and streets

Who requires a permit?

Persons desiring to undertake works on, in, under or adjacent to roads and persons wishing to access a Council reserve to undertake works on private property adjacent to the Council land.

Exemptions

Council staff and contractors
Approved events
Emergency Services

Applying for a permit

A completed permit application form should be submitted 14 days prior to the works applied for. Plans and specifications for construction works must be submitted for approval.

Permit conditions

Permits for Works on Roads will be subject to conditions pertaining to the following matters:

- works to be in accordance with the approved plans and specifications or standard Council requirements
- the times and conditions during which works must not be carried out
- Council inspections during the works
- the period of the permit
- public safety, pedestrian and vehicle traffic flow and safety
- insurance requirements and

- compliance with the Council's road opening and reinstatement procedures if damage to Council assets has occurred during the permit period.

Additional permit considerations – Reserves and open space

In addition to any or all of the permit conditions above, permission to access Council reserves and open space will be provided based upon the following considerations:

- the nature, type, location and use of the reserve
- amenity of the general public and adjoining properties
- the potential impact on the reserve asset, including the grass, trees and other vegetation as well as built assets
- assessment of reasons provided for access via the reserve
- suitability and proximity of the point of access onto the reserve
- the nature of the building works, duration and expected use of the reserve

Removal of vegetation on Council land

Local Law Clause No 21

Purposes of the clause

To prevent undue removal of, or damage to, vegetation on Council land.

Applies to

Persons wishing to remove vegetation on Council land including roadsides.

Policy responsibility

Manager Infrastructure Maintenance

Administration

Manager Infrastructure Maintenance

Enforcement

Manager Regulatory Services

What public places are affected?

All Council land including roadsides

Who requires a permit?

Persons wishing to remove vegetation on Council land and roadsides, except where for the removal of noxious and environmental weeds, fine fuels and certain dead vegetation, or exotic vegetation on urban nature strips, or when in accordance with a fire prevention notice as detailed in Clause 21 b) of the Amenity Local Law.

Exemptions

Council staff and contractors

Emergency Services

Applying for a permit

A completed permit application form should be submitted 14 days prior to the works applied for. Plans and specifications for vegetation removal works must be submitted for approval.

Permit Conditions

Permits for vegetation removal on Council land and roadsides will be subject to conditions pertaining to the following matters:

- works to be in accordance with the approved plans and specifications or standard Council requirements
- the times and conditions during which works must not be carried out
- Council inspections during the works
- the period of the permit
- pedestrian and vehicle traffic flow and safety and
- insurance requirements

Scare guns

Local Law Clause No 22

Purposes of the clause

To preserve amenity by prohibiting the use of scare guns outside of rural zones and ensuring their appropriate monitoring and management within rural zones (which include the Green Wedge and Rural Conservation Zones) by the requirement for a permit.

Applies to

All public and private land

Policy responsibility

Environmental Health Coordinator

Administration

Environmental Health Coordinator

Enforcement

Environmental Health Coordinator

What places are affected?

All public and private land

Who requires a permit?

Any person within a rural zone who intends to use a bird scare gun or similar bird control device other than a registered firearm.

Exemptions

None

Applying for a permit

A completed permit application form for the first permit of the season should be submitted a minimum 14 days prior to the period applied for, and for subsequent applications for a permit in that year a maximum of 7 days prior.

Criteria for issuing permits

Permits are available for persons requiring to scare birds from their crop site.

When dealing with applications for permits the Council or its delegate will consider the following factors:

- the effect on the quiet enjoyment of adjoining properties and the amenity of the area
- the location, area and nature of the land, its zoning and its suitability for the use intended
- the nature, time, location and duration of the noise control device being used
- the effects on the amenity of other land and the health and safety of persons
- the applicant's record in operating noise control devices
- any comments received in respect of the application
- any further information required from the applicant
- any other matters that may apply to the particular application, and
- an appropriate permit fee and any refundable deposit required.

Permit conditions

Use of bird scare guns or similar control devices other than a registered firearm will be subject to the following conditions:

- Bird scare guns or similar control devices must not be operated if the distance between the scare gun and any residential premises (other than the applicant's) is less than 300 metres
- Bird scare guns or similar control devices other than a registered firearm must be set to provide not less than a minimum average clear interval between a cycle of shots of 10 minutes for six hours maximum per day, and 20 minutes for the remaining daylight hours each day. A cycle of shots may be up to 2 shots (single or double shots) and should not exceed five seconds from the first shot of the cycle to the last shot of the cycle. (NB this would limit a single shot gun to 54 shots maximum per day and a double shot gun to 108 shots maximum per day).
- The number of bird scare guns or similar control devices must not exceed the ratio of one gun to four hectares of crop area or part thereof, and shall not be closer than 150 metres to any adjoining bird scare gun or similar bird control device in operation
- Bird scare guns or similar control devices other than a registered firearm must not be used earlier than 7am or later than sunset
- The total time of operation of a bird scare gun or similar control devices must not exceed 12 hours maximum in any one day (NB The time of operation may be divided in order to achieve compliance with this limit)
- Bird scare guns or similar bird control devices, other than a registered firearm, shall be located by operators as far away as possible from all residential premises and wherever possible, the shielding effects of natural features, buildings, etc, shall be used to reduce the level of the blasts of scare guns or similar bird control devices at residential premises
- The operating requirements of scare guns or similar bird control devices, other than a registered firearm, shall be based on an average maximum level of 100dB LIN peak (loudest 20 per cent of blasts) when the weather favours noise propagation.

Collection and disposal of dog excrement

Local Law Clause No 23

Purposes of the clause

To require dog excrement to be removed from public places.

Applies to

Persons in charge of dogs in public places.

Policy responsibility

Manager Regulatory Services

Administration

Manager Regulatory Services

Enforcement

Manager Regulatory Services

What public places are affected?

All public places including streets and roads.

Who requires a permit?

Not applicable

Exemptions

Not applicable

Guidelines for interpretation

Persons in charge of dogs should remove excrement as soon as it is deposited in a public place. A receptacle for the removal of dog excrement should effectively remove all solids.

Keeping of animals – secure confinement

Local Law Clause No 24

Purposes of the clause

To protect amenity by regulating the keeping of animals on private land.

Applies to

All owners and occupiers of residential land or land less than 4,000m² in area where livestock and certain animals are kept.

Policy responsibility

Manager Regulatory Services

Administration

Manager Regulatory Services

Enforcement

Manager Regulatory Services

Who requires a permit?

Any person wishing to:

- keep livestock on land less than 4,000m² in area or on any land zoned residential and/or
- keep more than the number of animals specified.

Exemptions

None

Applying for a Permit

A completed permit application form should be submitted 14 days prior to the use of land applied for.

Criteria for Issuing Permits

Permits are available for keeping livestock on residential land or land less than 4,000m² in area and for keeping more than the specified number of certain animals.

If the land is within a Special Use Zone as defined in the Nillumbik Planning Scheme, no permit can be issued unless the provisions of the Register of Non-Conforming Uses have been met.

When dealing with applications for permits the Council or its delegate will consider the following factors:

- the amenity of the proposed location and the surrounding area
- the location, area and nature of the land, its zoning and its suitability for the use intended
- the siting of the area or structures within the land and proximity to other occupiers
- the effects on the amenity of other land and the health and safety of persons and property
- the type and numbers of animals to be kept
- membership and compliance with any recognised association or standards
- any comments received in respect of the application

- any further information required from the applicant
- any other matters that may apply to the particular application
- the applicant's record in keeping animals, and
- an appropriate permit fee and any refundable deposit required.

Permit conditions

Animal Housing Guidelines:

Animal housing includes kennels, stables, pens, poultry houses and bird cages and should be located and constructed to the following standards:

- 15.0 metre setback from a property frontage to a road
- 6.0 metre setback from any other street alignment
- where the property is less than 4,000m² in area, a 1.5 metres setback from a side boundary
- where the property is 4,000m² or more in area, a 4.5 metre setback from a side boundary and
- a clearance of at least 10 metres from any dwelling on the property or an adjoining property.

Maintenance:

- in accordance with Sub-clause 24 d)

Control of noisy livestock

Local Law Clause No 25

Purposes of the clause

To protect amenity by regulating the keeping of livestock on private land.

Applies to

Occupiers of premises where livestock is kept or permitted to remain.

Policy responsibility

Manager Regulatory Services

Administration

Manager Regulatory Services

Enforcement

Manager Regulatory Services

Who requires a permit?

No permits are available

Exemptions

None

Criteria for dealing with complaints

When dealing with complaints the Council or its delegate will consider the following factors:

- the amenity of the proposed location and the surrounding area
- the location, area and nature of the land, its zoning and its suitability for the use
- the siting of the area or structures within the land and proximity to other occupiers
- the effects on the amenity of other land and the health and safety of persons and property
- the type and numbers of animals or birds kept
- the nature and content of any complaints received
- any further information required from the owner or occupier
- any other matters that may apply to the particular complaint.

Permit Conditions

Not applicable

Dogs prohibited in markets

Local Law Clause No 26

Purposes of the clause

To prohibit dogs at markets

Applies to

Persons having a dog in their possession at a market

Policy responsibility

Manager Regulatory Services

Administration

Manager Regulatory Services

Enforcement

Manager Regulatory Services

What places are affected?

Land determined by Council or a delegate to be a market from time to time

Who requires a permit?

Not applicable

Exemptions

Exemption for guide dogs which have been specially trained to guide or assist a blind or visually impaired person

Applying for a permit

Not applicable

Criteria for interpretation

Alarm systems

Local Law Clause No 27

Purposes of the clause

To preserve amenity by regulating the use of alarm systems.

Applies to

All owners and occupiers who install security alarm systems which emit a sound and light signal when activated.

Policy responsibility

Environmental Health Coordinator

Administration

Environmental Health Coordinator

Enforcement

Environmental Health Coordinator

What places are affected?

All premises fitted with alarms

Who requires a permit?

Not applicable

Exemptions

No Exemptions

Applying for a permit

Not applicable

Criteria for Interpretation

'Serviceable condition' means maintained to the manufacturer's specifications.

'Emergency situation' means a condition in which the alarm system is designed to activate.

Condition of land

Local Law Clause No 28

Purposes of the clause

To preserve amenity by preventing unsightly land, protecting persons and property from dangerous conditions on land and containing the spread of noxious weeds.

Applies to

Owners and occupiers of land

Policy responsibility

Planning Enforcement Officer
Environmental Health Coordinator

Administration

Planning Enforcement Officer
Environmental Health Coordinator

Enforcement

Planning Enforcement Officer
Environmental Health Coordinator
Manager Regulatory Services

What places are affected?

All land

Who requires a permit?

Not applicable

Exemptions

None

Applying for a permit

Not applicable

Criteria for interpretation

Trees and plants not to obstruct or obscure

Local Law Clause No 29

Purposes of the clause

To prevent trees, plants or fences on private land from obscuring or obstructing vehicle or pedestrian traffic.

Applies to

Owners and occupiers of Land

Policy responsibility

Manager Infrastructure Maintenance

Administration

Manager Infrastructure Maintenance

Enforcement

Manager Infrastructure Maintenance

Manager Regulatory Services

What public places are affected?

All roads and streets

Who requires a permit?

Not applicable

Exemptions

Not applicable

Guidelines for interpretation

An obstruction is deemed to occur if a tree or plant:

- overhangs a road or footpath and might cause injury to any person or damage to any vehicle legally using the footpath or roadway. A clear height minimum of 3 metres is to be maintained over all footpaths and 5.5 metres over road pavements
- obstructs the clear sight between vehicles at an intersection or at a bend in the road
- obstructs the clear sight between pedestrians and vehicles
- obstructs the clear sight between any vehicle or pedestrian and any traffic signal or signs
- encroaches on to a footpath to reduce the width available for pedestrians
- encroaches onto a footpath and creates a slippery surface when wet
- obscures a street light, or
- otherwise creates a danger to any vehicle or pedestrian.

Fences and trees or plants at minor street intersections are to be kept below a height of 1 metre in the triangular area between the corner of each property at the intersection and a line drawn between points 3 metres back from the intersection, which would otherwise prevent a clear view of other vehicles or traffic signs or signals. A minor intersection is where the vehicle speed limit is 60 kph or less in both streets.

Where a higher speed limit applies in a street or road which forms part of an intersection a greater sight distance will be nominated by the responsible council officer.

The same criteria will apply to any street tree or plant or Council owned fence, tree or plant.

Chimneys

Local Law Clause No 30

Purposes of the clause

To protect amenity by preventing undue discharges from chimneys.

Applies to

Owners and occupiers of buildings with chimneys.

Policy responsibility

Environmental Health Coordinator

Administration

Environmental Health Coordinator

Enforcement

Environmental Health Coordinator

What places are affected?

The whole municipality

Who requires a permit?

Not applicable

Exemptions

Non

Applying for a permit

Not applicable

Criteria for interpretation

'Dangerous to health or offensive' has the same meaning as in the *Public Health and Wellbeing Act 2008*.

Open air burning

Local Law Clause No 32

Purposes of the clause

To protect public safety and amenity by regulating the use of fires in the open air.

Applies to

All persons desiring to use fire in the open air

Policy responsibility

Manager Regulatory Services

Administration

Manager Regulatory Services

Enforcement

Manager Regulatory Services

Who requires a permit?

Any person desiring to light a fire in the open air.

Exemptions

Barbecues when used for the sole purpose of preparing a meal.

Burning without a permit

1. No strong winds are blowing.
2. No fire may be lit on any day during the declared Country Fire Authority Fire Danger Period.
3. No fires are to be lit on a day of Total Fire Ban.
4. No fire is to be lit on a day declared by the EPA as a day of high pollution.
5. The fire is to be extinguished by 6pm or upon direction by an Authorised Officer, member of Victoria Police or member of a Fire Brigade.
6. No solvents, petroleum products, rubber or any substance that may give off toxic smoke are to be used to start or maintain the fire.
7. The fire is not left unattended at any time.
8. Only a small fire is maintained at any time.
9. No inconvenience is caused to nearby residents.
10. Adequate water supply is available, e.g. garden hose.
11. Only one fire is to be alight at any one time.
12. Fires are to be lit only in an area away from other combustible material and overhanging trees, shrubs, etc.
13. Notify brigade and VicFire of your intention to burn and date(s) burning is to take place.

Your attention is drawn to Section 11 of the *Summary Offences Act 1966*.

Applying for a permit

A completed permit application form should be submitted four days prior to the burn applied for.

Criteria for issuing permits

When dealing with applications for permits the Council or its delegate will consider the following factors:

- the amenity of the proposed location and the surrounding area
- the location, area and nature of the land
- the purpose of the proposed burn
- the effects on the amenity of other land and the health and safety of persons and property
- any further information required from the applicant and
- any other matters that may apply to the particular application.

Permit conditions

May include all or any of the following:

- the times and days when burning is allowed
- the name and address of the person permitted to use fire
- the purpose of the fire
- the material proposed to be burned
- the volume to be burned at any one time
- the permit to kept on site and be available on demand
- advance notice to be given to the fire-fighting authority
- the name of the person responsible for the burn who must be present
- the climatic conditions when burning is not allowed or when a fire must be extinguished
- a fire must not be left unattended at any time
- the name and contact arrangements of a natural person who will be responsible for the fire
- the resources and methods to be used for managing and controlling the fire
- the number of fires lit at any one time
- minimising annoyance or inconvenience to other residents and
- no fire is to be lit on a fire ban day or a smog alert day

A permit does not release a person's obligations under other legislation. The provisions of the *Country Fire Authority Act 1958* apply in the rural parts of the Shire. Section 11 of the *Summary Offences Act 1966* applies to fires in the open air at any time of the year.

Large heap burning

Local Law Clause No 33

Purposes of the clause

To protect public safety and amenity by regulating the burning of large heaps.

Applies to

All persons desiring to use fire in the open air

Policy responsibility

Emergency Risk Coordinator

Administration

Emergency Risk Coordinator

Enforcement

Manager Regulatory Services

Who requires a permit?

Any person desiring to light a fire in the open air.

Exemptions

Barbecues when used for the sole purpose of preparing a meal.

Burning without a permit requires the following considerations:

1. No strong winds are blowing.
2. No fire may be lit on any day during the declared Country Fire Authority Fire Danger Period.
3. No fires are to be lit on a day of Total Fire Ban. No fire is to be lit on a day declared by the EPA as a day of high pollution.
4. The fire is to be extinguished by or upon direction by an Authorised Officer, member of Victoria Police or member of a Fire Brigade.
5. No solvents, petroleum products, rubber or any substance that may give off toxic smoke are to be used to start or maintain the fire.
6. The fire is not left unattended at any time.
7. One fire is maintained at any time.
8. No inconvenience is caused to nearby residents.
9. Adequate water supply is available, e.g. garden hose.
10. Fires are to be lit only in an area away from other combustible material and overhanging trees, shrubs, etc.
11. Notify brigade and VicFire of your intention to burn and date(s) burning is to take place.
12. Your attention is drawn to Section 11 of the *Summary Offences Act 1966*.

Applying for a permit

A completed permit application form should be submitted four (4) days prior to the burn applied for.

Criteria for issuing permits

When dealing with applications for permits the Council or its delegate will consider the following factors:

- the amenity of the proposed location and the surrounding area
- the location, area and nature of the land
- the purpose of the proposed burn
- the effects on the amenity of other land and the health and safety of persons and property
- any further information required from the applicant and
- any other matters that may apply to the particular application.

Permit conditions

May include all or any of the following:

- the times and days when burning is allowed
- the name and address of the person permitted to use fire
- the purpose of the fire
- the material proposed to be burned
- the volume to be burned at any one time
- the permit to kept on site and be available on demand
- advance notice to be given to the fire fighting authority
- the name of the person responsible for the burn who must be present
- the climatic conditions when burning is not allowed or when a fire must be extinguished
- a fire must not be left unattended at any time
- the name and contact arrangements of a natural person who will be responsible for the fire
- the resources and methods to be used for managing and controlling the fire
- the number of fires lit at any one time
- minimising annoyance or inconvenience to other residents and
- no fire is to be lit on a fire ban day or a smog alert day

A permit does not release a person's obligations under other legislation. The provisions of the *Country Fire Authority Act 1958* apply in the rural parts of the Shire. Section 11 of the *Summary Offences Act 1966* applies to fires in the open air at any time of the year.

Domestic waste, recyclables, organic material and hard waste collections

Local Law Clause No 34 and 35

Purposes of the clause

To impose a responsibility on occupiers for rubbish and to determine conditions for the collection of domestic waste, recyclables and organic material.

Applies to

All occupiers served by the waste and recycling services.

Policy responsibility

Manager Infrastructure Maintenance

Administration

Manager Infrastructure Maintenance

Enforcement

Manager Regulatory Services

What public places are affected?

All roads and streets

Who requires a permit?

Not applicable

Exemptions

Not applicable

Applying for a permit

Not applicable

Permit conditions

Conditions of use are detailed in the Local law.

Bulk rubbish containers

Local Law Clause No 36

Purposes of the clause

To control the placement of skips or bulk rubbish containers on a road.

Applies to

Any person wishing to place a skip or bulk rubbish container on a road.

Policy responsibility

Manager Regulatory Services

Administration

Manager Regulatory Services

Enforcement

Manager Regulatory Services

What public places are affected?

All roads and streets

Who requires a permit?

Any person wishing to place a skip or bulk rubbish container on a road.

Exemptions

A permit is not required for a skip or bulk rubbish container of no more than 2.5 cubic metres which is left safely on the nature strip, nor does not protrude onto the road pavement or interfere with pedestrian movements and is not left for more than four days.

Applying for a permit

A completed permit application form should be submitted 7 days prior to the day a skip or bulk rubbish container is to be placed on the road.

Permit Conditions

In determining whether to grant a permit for the placement of a bulk rubbish container on a road the authorised officer must take into account:

1. whether the placement will obstruct the passage of vehicles and pedestrians, obscure the view of motorists or present a physical hazard;
2. whether the placement will contravene any traffic control signs;
3. whether hazard lights can be securely attached on the side nearest passing traffic or placed on a carriageway so as an approaching motorist can identify the extent and form of the container; protection of Council assets;
4. whether an indemnity/guarantee has been provided to Council; and
5. any other matter relevant to the circumstances of the application.

Trade wastes

Local Law Clause No 37

Purposes of the clause

To require trade waste containers and to regulate their use.

Applies to

All Occupiers of Commercial and Industrial premises

Policy responsibility

Environmental Health Coordinator

Administration

Environmental Health Coordinator

Enforcement

Environmental Health Coordinator

What places are affected?

Commercial and Industrial premises

Who requires a permit?

Not applicable

Exemptions

Not applicable

Applying for a Permit

Not applicable

Guidelines for the construction, use and maintenance of trade waste containers

(Subject to individual circumstances, the following conditions will satisfy the requirements of a Council Environmental Health Officer.)

Construction of Trade Waste Containers:

1. Waste hoppers, bins or containers used for collection and storage of trade waste must:
 - be constructed of an impervious material to the satisfaction of an Environmental Health Officer to prevent leakage or absorption of any refuse or rubbish which may be deposited in it
 - be watertight, and fly and vermin proofed
 - contain a removable drainage plug for the purpose of cleaning
 - be fitted with a fly and vermin proof lid with overlapping flanges, and
 - must display a notice indicating the type of waste or material which is permitted to be placed in it and stating that it is an offence to deposit any
 - material contrary to the notice.
2. Emptying of Trade Waste Containers
 - Trade Waste Containers must be emptied at least weekly or more often if necessary to prevent the contents becoming offensive.

3. Cleanliness and Storage of Trade Waste Containers

The occupier must ensure that:

- trade waste containers are stored and maintained in a clean, sanitary and inoffensive condition and must at all times keep clean any footway, pavement or ground adjoining the storage area to the satisfaction of an Environmental Health Officer
- trade waste containers are kept closed except while depositing materials or emptying them
- the surface on which the container is stored is impervious, graded and drained to a sewer or approved outlet with such silt traps or other treatment devices as an Environmental Health Officer requires
- the storage site is supplied with a tap connection and a hose of a size approved by an Environmental Health Officer
- the container is screened with suitable material in such a way as to preserve amenity to the satisfaction of an Environmental Health Officer
- the container does not unduly obstruct vehicle or pedestrian traffic
- the container is fenced or so constructed as to deny access by the public and
- the container is thoroughly cleaned after each emptying.

Parking of vehicles

Local Law Clause No 39

Purposes of the clause

To maximise the availability of and equity of access to parking spaces.

Applies to

All parking areas on public land

Policy responsibility

Manager Regulatory Services

Administration

Manager Regulatory Services

Enforcement

Manager Regulatory Services

What places are affected?

All public land including streets, roads and car parks.

Who requires a permit?

Permits may be granted in respect of access to building sites and shops.

Exemptions

Parking restrictions are imposed under State legislation.

Criteria used by the Council in fixing parking restrictions

Parking restrictions are based on the intensity of use of individual areas.

Resident Parking Scheme

Local Law Clause No 40

Purposes of the clause

To provide special parking rights for residents in residential streets.

Applies to

Not currently used in the Shire

Policy responsibility

Manager Regulatory Services

Administration

Manager Regulatory Services

Enforcement

Manager Regulatory Services

What places are affected?

Streets and roads where residential parking has been applied.

Who requires a permit?

Residents wishing to exercise their resident parking rights.

Exemptions

Emergency vehicles

Criteria used by the Council

Motorised toy vehicles

Local Law Clause No 41

Purposes of the clause

To protect amenity by regulating the use of motorised toy vehicles on all land.

Applies to

Landowners and motorised toy vehicle users

Policy responsibility

Manager Regulatory Services

Administration

Manager Regulatory Services

Enforcement

Manager Regulatory Services

What places are affected?

All public and private land

Who requires a permit?

The owner of land or driver of any applicable vehicle

Exemptions

Any person using a motorised toy vehicle on private land if the vehicle is used between the hours of 7am and 8pm Monday to Friday; and 9am and 8pm Weekends and public holidays.

Applying for a permit

Not applicable

Criteria for issuing permits

When dealing with applications for permits the Council or its delegate will consider the following factors:

1. the amenity of the proposed location and the surrounding area, including
 - the type, size, noise and nature of the vehicles involved and
 - the days, times and duration of the proposed use.
2. any potential damage may be caused to the land
 - the nature and intensity of the use and any precautions to be taken to protect the land.
3. any other matter or thing relevant to the application
 - any comments received in respect of the application
 - any further information required from the applicant
 - any other matters that may apply to the particular application
 - the applicant's record in using motorised toy vehicles and
 - an appropriate permit fee and any refundable deposit required in respect of Council land.

Permit conditions

Permits for motorised toy vehicles will be subject to conditions which limits the intended use, including:

- the times, days and duration of the permit
- the number of vehicles involved
- the type of vehicles
- precautions to be taken to protect amenity and Council land
- permit holders must comply with the requirements of the Nillumbik Planning Scheme in relation to any modification of land for the use of motorised toy vehicles
- any specific insurance requirements
- permit fees and security to be held for restitution of any loss or damage to Council land.

Other toy vehicles

Local Law Clause No 42

Purposes of the clause

To protect amenity by declaring specified areas of the municipality to be toy vehicle-free areas.

Applies to

Users of other toy vehicles

Policy Responsibility

Manager Regulatory Services

Administration

Manager Regulatory Services

Enforcement

Manager Regulatory Services

What places are affected?

All roads and Council land

Who requires a permit?

The user of any toy vehicle

Exemptions

By the Council if part of an approved event or festival.

Applying for a permit

Repair and sale of vehicles of roads and Council land

Local Law Clause No 43

Purposes of the clause

To protect amenity by requiring a permit for the repair or sale of vehicles on public land.

Applies to

Owners, repairers and sellers of relevant vehicles

Policy Responsibility

Manager Regulatory Services

Administration

Manager Regulatory Services

Enforcement

Manager Regulatory Services

What places are affected?

All roads and Council land

Who requires a permit?

The owner, repairer or seller of any applicable vehicle

Exemptions

Does not apply to minor repairs to a vehicle which has broken down and which are reasonably necessary to enable the vehicle to be removed under its own power within a reasonable time.

Applying for a permit

A completed permit application form should be submitted 7 days prior to the commencement of the intended use.

Criteria for issuing permits

Permits may be available for the repair or sale of vehicles from a road or Council land if special circumstances exist.

When dealing with applications for permits the Council or its delegate will consider the following factors:

- the reason for the application ie. any special needs of the applicant
- the location of the land
- the amenity of the area
- the zoning of the land
- the suitability of the land for the intended use
- the number of vehicles
- the days, times and hours of the intended use
- any likely damage to the land and
- alternative sites.

Permit conditions

Permits will be subject to conditions, including:

- the times, days and duration of the permit
- the number of vehicles involved
- the type of vehicles and
- precautions to be taken to protect area amenity and the land.

Identification of premises

Local Law Clause No 44

Purposes of the clause

To facilitate the convenient location of premises by emergency, postal and delivery services

Applies to

Owners and Occupiers of premises

Policy responsibility

Manager Finance

Administration

Manager Finance

Enforcement

Manager Regulatory Services

What places are affected?

All occupied land

Who requires a permit?

Not applicable

Exemptions

Vacant land

Applying for a permit

Not applicable

Criteria for enforcement

When dealing with complaints or breaches the Council or its delegate will consider the following factors:

- whether the owner or occupier has been requested in writing to comply and
- whether numbers displayed are clearly visible under normal daylight conditions.

Permit conditions

Not applicable

Siting of caravans

Local Law Clause No 45

Purposes of the clause

To protect amenity by requiring a permit for occupying caravans.

Applies to

All private land

Policy Responsibility

Manager Regulatory Services

Administration

Manager Regulatory Services

Enforcement

Manager Regulatory Services

What places are affected?

All private land

Who requires a permit?

Any person wishing to occupy a caravan unless already covered by a planning permit or exempted.

Exemptions

- Caravans already permitted under the Nillumbik Planning Scheme
- Caravans in registered camping areas or caravan parks
- For storage only
- For the business of selling, hiring or leasing provided caravans are removed when sold, hired or leased

Applying for a permit

A completed permit application form should be submitted 14 days prior to the commencement of the intended use. A planning permit application may be required.

Criteria for issuing permits

Permits may be available for the use of caravans, usually for the purposes of erecting a new dwelling. (Only one (1) permit per year is intended.)

When dealing with applications for permits the Council or its delegate will consider the following factors:

- the reason for the application i.e. any special needs of the applicant
- the location of the land
- the amenity of the area
- the zoning of the land
- the size of the caravan and the number of occupants
- the suitability of the land for the intended use
- the location of the caravan within the land
- the proximity to other dwellings on the land or adjoining land and
- the availability of toilet and sanitary facilities and the habitation standards.

Permit conditions

Permits will be subject to conditions, including:

- the times, days and duration of the permit (maximum period 6 months)
- the number of caravans and occupants
- the location of the caravan
- the use of the caravan
- protecting the amenity of the area and
- toilet, sanitary and other facilities required (all wastes to be disposed of to an approved sewer or septic tank system).

Camping

Local Law Clause No 46

Purposes of the clause

To protect amenity by requiring a permit for camping on Council land or private land.

Applies to

All Council and private land

Policy responsibility

Manager Regulatory Services

Administration

Manager Regulatory Services

Enforcement

Manager Regulatory Services

What places are affected?

All Council and private land

Who requires a permit?

Any person desiring to camp.

Exemptions

Camping in registered camping areas or caravan parks.

Other exemptions that may be granted by the Council.

Applying for a permit

A completed permit application form should be submitted 14 days prior to the commencement of the intended use.

Criteria for issuing permits

Permits may be available for camping on Council land or private land not otherwise exempted.

When dealing with applications for permits the Council or its delegate will consider the following factors:

- the reason for the application i.e. any special needs of the applicant
- the location of the land
- the amenity of the area
- the zoning of the land
- the size of the camp and the number of occupants
- the suitability of the land for the intended use
- the location of the camp within the land
- the proximity to other dwellings on the land or adjoining land
- the availability of toilet and sanitary facilities and the habitation standards
- public and traffic safety if camping is on a road or street and
- if on Council land the effect on the quiet enjoyment of other users.

Permit conditions

Permits will be subject to conditions, including:

- the times, days and duration of the permit
- the number of caravans and occupants
- the location of the caravan
- the use of the caravan
- protecting the amenity of the area and
- toilet, sanitary and other facilities required.

Circuses, carnivals and festivals

Local Law Clause No 47

Purposes of the clause

To protect amenity by requiring a permit for circuses, carnivals or festivals on any land

Applies to

All public and private land

Policy responsibility

Manager Community and Leisure Facilities

Administration

Manager Community and Leisure Facilities

Enforcement

Manager Regulatory Services

What places are affected?

All public and private land

Who requires a permit?

Any person wishing to conduct a circus, festival or carnival.

Exemptions

Nil

Applying for a permit

A completed permit application form should be submitted 14 days prior to the commencement of the intended use.

Criteria for issuing permits

Permits may be available for circuses, carnivals or festivals.

When dealing with applications for permits the Council or its delegate will consider the following factors:

- the location of the land
- the amenity of the area
- the zoning of the land
- the suitability of the land for the intended use
- the hours, days and duration of the event
- the amenity of the area
- the availability of toilet and sanitary facilities
- public and traffic safety and car parking
- the applicant's record and reputation for conducting similar events
- if on council land the effect on the quiet enjoyment of other users and
- in the case of a carnival or circus compliance with the Good Neighbour Code of Practice for a Circus or Carnival 1997.

Permit conditions

Permits will be subject to conditions, including:

- the times, days and duration of the permit
- the location of the event
- protecting the amenity of the area
- toilet, sanitary and other facilities required
- public and traffic safety and car parking
- compliance with the Good Neighbour Code of Practice and
- any insurance requirements.

Permits

Local Law Clause No 48

Purposes of the clause

To provide a procedure for the issue of permits.

Application

Council staff who consider applications and issue permits.

Procedural Guideline

Applications

Permit applications should be on the forms provided by the Council, but any applications that contain all of the necessary information will still be considered.

Consideration

The relevant guidelines and criteria are to be taken into account when an application is being considered. The objection, support or comments of other interested or affected persons are to be considered. Requirements of other legislation, permits and approvals are also to be taken into account.

Conditions

Permit conditions may include any of the following:

- specific things or activities necessary to achieve set standards
- limitations or restrictions on times, days, duration of the permitted activity;
- any restoration or reinstatement required after the permitted activity and
- any other matter relevant to the application.

The guidelines indicate the most likely conditions that may be applied.

Cancellation or amendment

A permit may be cancelled or amended at any time if:

- an application conceals, omits or fails to disclose all known information relevant to the activity
- any error or omission occurred during the consideration of the application and
- circumstances have changed, unforeseeably, since the issue of the permit.

An amendment to a permit must be noted in the register and file and a replacement permit issued as soon as possible.

Not Transferable

Permits are not transferable. A transfer of the rights conferred by the permit will normally require a new application. In some cases an amending permit may be issued.

Register of permits:

A permit register is to be kept and all permits issued, amended or cancelled are to be entered daily. The register is open for public inspection.

Copies of permits are to be kept on the relevant property or subject file.

Direction of authorised officer

Local Law Clause No 51

Purposes of the clause

To enable an authorised officer to give notice that a non-compliance be remedied.

Application

Any person given a notice. May be in addition to any other action such as an Infringement Notice or Prosecution.

Procedural guideline

Where an authorised officer believes that a person or organisation has failed to comply with any requirement of the Amenity Local Law, a written direction notice may be issued specifying the following:

- the name of the person directed
- the date and number of the notice
- the time, date, place and nature of the non-compliance
- the relevant Local Law clause(s)
- the action required to be taken to remedy the non-compliance
- the time allowed to complete the required action and
- the names of the Council Officers to whom enquiries and appeals can be submitted.

When considering whether to issue a direction, the required action and the time allowed, the authorised officer will take into account:

- the nature of the non-compliance and the potential consequences including risks to persons, property, animals and the environment
- the amount of work, costs and difficulty of the remedial action required
- the availability of equipment, labour and materials
- climatic or other conditions that may affect the remedial work or safety
- the risk to persons, property, animals and the environment while the non-compliance continues and
- whether a prompt and effective remedy will avoid the issue of an infringement notice or the initiation of a prosecution.

Copies of all written direction notices are to be kept in a register kept for the purpose and a further copy kept in the case or subject file together with notes on the alleged offender's response.

Where a verbal direction is issued, the authorised officer must make notes which include the matters listed above for a written direction notice. A copy of such notes is to be kept on the relevant subject file.

Infringement Notice

Local Law Clause No 58

Purposes of the clause

To provide a procedure for the issue of infringement notices.

Application

Authorised officers

Procedural Guidelines

Service of an Infringement Notice

Infringement notices are served in accordance with section 234 of the *Local Government Act 1989*. Service may be personally or by delivery to the person's residence or business. Infringement notices are in bound books which are pre-numbered, controlled documents. An authorised officer may issue an infringement notice ie. it is a discretionary decision left to the officer's judgment.

Representations

Written explanations or other relevant information or representations in respect of any infringement notice will be considered by the issuing officer provided it is received within 28 days of the date of issue. Such representations or information may be taken into account when deciding to proceed with or withdraw the notice or to grant additional time in which to pay the penalty.

Withdrawal

The issuing officer may withdraw an infringement notice within 28 days of the date of issue.

If unpaid and not withdrawn within 28 days the relevant Manager or Coordinator will decide whether to take further proceedings. The issuing officer, with the approval of the relevant Manager or Coordinator, may withdraw an infringement notice for the purpose of taking a prosecution instead provided the penalty has not been paid. eg. for repeated offences.

Prosecution

Prosecutions may be taken when:

- if the infringement notice penalty remains unpaid or
- the offence is a continuing one, a second or subsequent alleged offence by the same person or an offence of a serious nature warranting a prosecution.
- The authorised officer recommends prosecution to the relevant Manager or Coordinator who in turn, recommends prosecution to the Prosecutor or Council Solicitor.

Register

An Infringement Notice register is to be kept and all Infringement Notices issued or withdrawn are to be entered daily. Details of penalty payments and any further action are to be entered daily.